(1) WA 201 Division Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR:C.G.

W.P.no. 4366 **/2005**

PETITIONER : Horilal Sahu,aged 43yrs., s/o Ghur Ram Sahu, r/o village Gobra Nayapara, tahsil Abhanpur, dist. Raipur,C.G.

VERSUS.

RESPONDENTS :

1. State of Chhattisgarh, through Secretary to the Dept. of Revenue, D.K.Singh Bhawan Secretariat, Raipur (C.G.)
2. Collector, dist. Raipur, Raipur,C.G.
3. Tahsildar, Nayapara, dist. Raipur, C.G.
4. Naib Tahsildar, Gobra Nayapara,dist. Raipur, C.G.
5. Municipal Council, through secretary/ president at Gobra Nayapara, dist.Raipur.
6. Jheriya Yadav Samaj, through its president Shri Vikram ChandYadav,Gobra Nayapara, dist.Raipur,C.G,

P.R. No. 4567/05 Presented by Shri VKS Tiwari dated 23/9/05

RECEIVED-COPY 23/9/05 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTIN OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/ CERTIORARAI/ PROHIBITION OR DIRECTIVE /ORDERS IN THE LIKE NATURE ETC.

(83)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 4366/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH
HON'BLE SHRI A.K. PATNAIK, CJ. &
HON'BLE SHRI D.R. DESHMUKH, J.

16-09-2005

W.P. No.4366 of 2005.

Heard Mr. Bhishma Kinger, learned counsel for the petitioner and Mr.Sumesh Bajaj, learned Dy. Govt. Advocate for the State of Chhattisgarh/ respondents.

The case of the petitioner in this PIL is that a piece of land measuring 0.53 acres being part of Khasra No.705/1, Patwari Circle No.161, R.I. Circle Nayapara in District Raipur was being used for the purpose of general public for Goverdhan Worship, Gaothan, Madai Mela etc. and was popularly known as "Gaothan and Sanhada Dev Mandir site. The President of the Jheriya Ahir Samaj Shri Santosh Yadav had submitted a written representation dated 16.02.96 to the Chief Municipal Officer, Gobra requesting him to reserve the said land for the aforesaid Gaothan and Sanhada Dev Mandir. But the Municipal Council of Gobra, Nayapara has now adopted a resolution No.14 in its meeting held on 14-05-2004 proposing to allot the said land to Jheriya Yadav Samaj / respondent No.6 for some other purpose. The petitioner has, therefore, prayed for quashing the said resolution No.14 adopted by the Municipal Council of Gobra, Nayapara.

We are not inclined to entertain this PIL at this stage as we think that it will be more appropriate for the petitioner to file a representation before the Municipal Council, Gobra, Nayapara for consideration.

We, therefore, dispose of this writ petition at this stage with a direction that the petitioner will make a representation before the aforesaid

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4366/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Municipal Council of Gobra, Nayapara stating his objection to the proposed allotment of the land in favour of respondent No.6 within 10 days from today and if such a representation is filed by the petitioner, the Municipal Council of Gobra, Nayapara will consider the said representation and take a decision within a period of one month from the date of receipt of the representation by the Municipal Council of Gobra, Nayapara. Till such decision is taken by the Municipal Council on the representation of the petitioner and the decision is communicated to the petitioner, no further steps will be taken by the Municipal Council, Gobra, Nayapara pursuant to the said resolution No.14 for allotment of the land to respondent No.6. The Municipal Council, Gobra, Nayapara will take the aforesaid decision without being influenced by any extraneous considerations and strictly in accordance with law. Parties are entitled for certified copy of this order. **Sd/-** **Chief Justice**	**Sd/-** **Dilip Raosaheb Deshmukh** **Judge**

Subby